

The third reason advanced by the High Court in support of their view was that the inhabitants of portions of most of the six *pakuthis* within the jurisdiction of the Tiruvalla Munsiff's Court had, no doubt, to pass through Changanacherry to Tiruvalla but that the entire journey which, in no case exceeded 15 miles, could be accomplished by land, there being a very good road connecting Changanacherry with Tiruvalla. Even here the Member was of opinion that the question of proximity had been overlooked by the High Court. The distance from the Nedumkunnamm *pakuthi* to Tiruvalla was 18 miles, and, such being the case, it was very difficult for the parties to attend the Court the same day they started from their houses. Also, there were no good roads from Nedumkunnamm and other places to Changanacherry.

The fourth and last point mentioned by the High Court was that, it would not be possible to satisfactorily adjust the work of the Alleppey and Tiruvalla Munsiffs' Courts and the proposed Changanacherry Court and that, without causing inconvenience to the inhabitants of some of the *pakuthis* now within the jurisdiction of the Alleppey and Tiruvalla Munsiffs' Courts, it would not be possible to re-adjust the territorial jurisdiction in such a way as to reduce the volume of litigation in the Tiruvalla or Alleppey Munsiff's Court to such an extent that either or both of those courts might be conveniently left to be worked by a single Munsiff. Regarding that argument the Member said that several adjustments and re-adjustments of the territorial jurisdiction of the Courts had been made in the past and that the several *pakuthis* of the Changanacherry taluk had at one time been placed under the jurisdiction of one Court and at other times under the jurisdiction of other Courts. According to the present statistics, the number of cases filed in the Alleppey Munsiff's Court from the 5 *pakuthis* of the Changanacherry taluk were only 239 and that there would still remain 4,410 cases in the Alleppey Courts. That would give sufficient work for two Munsiffs. The statistics of the past three or four years justified the above statement. If the Additional Munsiff's Court at Tiruvalla was transferred to Changanacherry and if it was found that the work at Tiruvalla could not be done by one Munsiff, then a Panchayat Court might with advantage be established at Tiruvalla. By the conversion of an Additional Munsiff's Court into a Principal Court, the additional expenditure that might have to be incurred would not exceed Rs. 100 per mensem. But that would be more than compensated for by the increased usefulness of the Court.

The Member, in conclusion, said that the arguments advanced by the High Court were not convincing and that the want of a Munsiff's Court was keenly felt at the place. He, therefore, prayed that the long-hoped-for Court might be opened at Changanacherry at least as a *Shashtipurthi* boon of His Highness the Maha Raja.

Mr. Cheriyan Varghese (Member, Trading Classes, Changanacherry) also argued on the same lines and added that the trading classes of the place in particular suffered much for want of a Munsiff's Court at Changanacherry.

Dewan's reply.—Noted.

45. Establishment of a Munsiff's Court at Alwaye.

Mr. Ittoop Kerathu (Member, Alengad taluk) said that the civil jurisdiction over the *pakuthis* of the Alengad taluk was vested in the Parur and Perumbavur Munsiffs' Courts and that over the *pakuthis* of Edappalli North and South, Thrikkakkara, Alwaye, Chengamanad, and Kothakulangara in the Perumbavur Munsiff's Court. The inhabitants of Edappalli and Thrikkakkara had to walk 20 and 23 miles before they could reach Perumbavur. But the people of all the above *pakuthis* could reach Alwaye more easily and with less difficulty by railway. Excepting the *pakuthis* mentioned above, there remained only the Kunnathunad taluk under the jurisdiction of the Perumbavur Court. The *pakuthis* of Aiykaranad and Chemmanad were nearer to the Muvattupuzha Court and the people of those *pakuthis* had several times requested the transfer of the *pakuthis* to the jurisdiction of the Muvattupuzha Court. That would also have the effect of increasing the number of cases on the file of the Muvattupuzha Munsiff's Court, which was

rather light at present. There would then remain only the other *pakuthis* of the Kunnathunad taluk and the whole of the Alengad taluk. The central place for all those *pakuthis* would be Alwaye. The town of Alwaye was also growing fast in importance. The Member, therefore, prayed that the Munsiff's Court at Perumbavur might be shifted to Alwaye, or, if that was not possible, that a separate Munsiff's Court be established at Alwaye.

Devan's reply.—Noted.

(4) REGISTRATION.

46. Need for requiring the parties presenting documents for registration to present also copies thereof as formerly and for modifying the rates of fees now levied.

Mr. R. Narayana Pillai (Member, Neyyattinkara taluk) said that, according to section 25 of the old Registration Regulation, I of 1070, now repealed by Regulation II of 1087, the parties presenting every non-testamentary document for registration were required to present true copies thereof along with the originals. The Sub-Registrars used to compare the original with the copy and, on accepting the document and going through the necessary formalities registered the document. The endorsements made in the original were entered in the copy also which was signed, attested and forwarded immediately to the Central Office for safe custody. The above formalities were made purely in the interests of the parties. If any doubt occurred in respect of the entries in the document or Register-book, it was possible to clear it by a reference to the copy aforesaid. According to section 25 of the new Regulation, every non-testamentary document to be registered should be presented at the proper Registration office by certain classes of persons. The production of copies of the document was not insisted on by the above section and the parties accordingly presented documents for registration invariably without copies thereof as formerly. The Member dwelt at length on the advantages of making the production of copies compulsory and the evils arising from the non-production of such copies. The document-writers of the State were, as a class, uneducated and they depended upon the small fees they got by writing such documents. They were prepared to do any mischief in the preparation of the documents for small gains. The provision dispensing with the production of copies of documents had given them wider scope for doing mischief. For, any fraud that might be committed by them in wording the document or in correcting it, might go undetected and the parties, especially those who were illiterate, suffered much. Very often the matter had to be taken before Civil Courts. Some persons appointed as Sub-Registrars did not possess even a working knowledge of the Registration Regulation. Formerly, there was a rule to the effect that only those who had passed the Registration examination should be appointed Sub-Registrars and clerks in the Sub-Registry Offices, but that rule was not being adhered to now. The clerks appointed in Sub-Registry offices did not generally possess any qualification, either general or technical. Excepting the original document, the next record that helped the parties was the Register-book. That book often contained many corrections and erasures which rendered it unreliable. The existence of one or two corrupt and unreliable clerks in a Sub-Registry office would lead to endless trouble to innocent parties. The provision requiring the production of copies was a great check on the evils mentioned above. However, the provision was not inserted in the new Regulation. In the Member's opinion, the revival of the old practice would prove highly beneficial to the interests of the people and the Government. On the other hand, the rule dispensing with its production did not bring in any advantages to the Government. The Member, therefore, requested that the production of copies of documents for registration along with the originals might be insisted on, consistently with the provision contained in the repealed Registration Regulation, I of 1070.

The Member next submitted that the fees fixed for registration, searches and copies under the present Regulation were high, as compared with those fixed under Regulation I of 1070. The chief grievance of the people was that fees for documents for small amounts were abnormally raised.